
SENATE BILL 6120

State of Washington 60th Legislature 2007 Regular Session

By Senators Marr, Swecker, Oemig, Haugen, Rockefeller, Kauffman, Berkey, Murray, Spanel, Eide, Kilmer, Poulsen, Delvin, Regala, Jacobsen, Fraser and Kohl-Welles

Read first time 02/23/2007. Referred to Committee on Transportation.

1 AN ACT Relating to rail and freight infrastructure; amending RCW
2 47.06A.020 and 47.06A.040; and adding a new chapter to Title 81 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature finds that the economic
5 vitality of Washington state requires robust rail and freight systems
6 capable of providing its businesses, ports, and agricultural producers
7 with competitive access to domestic and international markets. The
8 legislature further finds that a carefully planned program of state
9 investments in rail and freight infrastructure will allow Washington
10 state to realize important public benefits, including increased safety
11 and economic growth. To the extent that state funds are used to
12 improve rail infrastructure, the legislature declares that it is the
13 policy of the state of Washington to examine the cost of any rail
14 infrastructure improvement as compared to the public benefits to be
15 gained by making the improvement according to the following priorities,
16 in order of relative importance: (1) Economic, safety, or
17 environmental advantages of freight movement by rail compared to
18 alternative modes; (2) self-sustaining economic development that
19 creates family-wage jobs; (3) preservation of transportation corridors

1 that would otherwise be lost; (4) increased access to efficient and
2 cost-effective transport to market for Washington's agricultural and
3 industrial products; (5) better integration and cooperation within the
4 regional, national, and international systems of freight distribution;
5 and (6) mitigation of impacts of increased rail traffic on communities.
6 In all cases, state investment in rail infrastructure should be
7 allocated to leverage the greatest amount of partnership funding
8 possible, and should only be considered when there is a demonstrably
9 lower likelihood of obtaining the benefits specified in this section
10 without at least some state funding of the infrastructure improvement.

11 NEW SECTION. **Sec. 2.** (1) The department of transportation shall
12 plan and coordinate the state's investment in the preservation and
13 improvement of rail infrastructure and the rail transportation system.
14 In executing its duties under this chapter, the department shall
15 carefully consider the recommendations that the transportation
16 commission shall, from time to time, but at least annually by August
17 1st, make in writing to the department. The department shall promptly
18 and diligently furnish information that the transportation commission
19 or the transportation committees of the house of representatives or
20 senate may request relating to the rail transportation system or the
21 rail infrastructure actions and projects plan described in section 3 of
22 this act.

23 (2) The freight mobility strategic investment board created in RCW
24 47.06A.030 becomes a division within the department of transportation
25 on December 1, 2007.

26 NEW SECTION. **Sec. 3.** The department of transportation shall
27 identify rail infrastructure needs that could be addressed through the
28 state's financial or other participation. The department shall
29 consider possible types of state participation to address a rail
30 infrastructure need, and shall analyze reasonable possibilities
31 according to priorities identified in section 1 of this act using the
32 benefit/impact evaluation methodology developed as part of the
33 statewide rail capacity and needs study finalized in December 2006.
34 Based upon the benefit/impact analysis, the department shall develop
35 and sequence a plan of actions and projects in which the state should
36 participate. The rail infrastructure actions and projects plan must

1 include an explanation of the analysis undertaken, and the conclusions
2 derived from the analysis, for actions and projects recommended for
3 state participation, as well as those actions and projects considered,
4 but not recommended. The department shall update and report the plan
5 to the transportation commission and the transportation committees of
6 the house of representatives and senate by October 1st each year. The
7 department shall monitor any circumstance with a foreseeable impact on
8 the plan, and advise the transportation committees of the house of
9 representatives and senate by February 15th each year regarding any
10 changed circumstances that affect the plan.

11 NEW SECTION. **Sec. 4.** By November 15th each year, the
12 transportation commission shall report to the transportation committees
13 of the house of representatives and senate the commission's concurrence
14 or disagreement with the advisability of the actions and projects
15 recommended by the department of transportation in the plan developed
16 by the department under section 3 of this act. The commission shall
17 base its determinations on the priorities identified in section 1 of
18 this act, and an evaluation of each action or project according to the
19 methodology developed as part of the statewide rail capacity and needs
20 study finalized in December 2006. If the commission finds that certain
21 actions or projects do not appear within the department's plan, but
22 warrant consideration, then the commission shall report its own
23 analysis of the action or project to the transportation committees of
24 the house of representatives and senate.

25 **Sec. 5.** RCW 47.06A.020 and 2005 c 319 s 125 are each amended to
26 read as follows:

27 (1) The board shall:

28 (a) Adopt rules and procedures necessary to implement the freight
29 mobility strategic investment program;

30 (b) Solicit from public entities proposed projects that meet
31 eligibility criteria established in accordance with subsection (4) of
32 this section; and

33 (c) Review and evaluate project applications based on criteria
34 established under this section, and prioritize and select projects
35 comprising a portfolio to be funded in part with grants from state
36 funds appropriated for the freight mobility strategic investment

1 program. In determining the appropriate level of state funding for a
2 project, the board shall ensure that state funds are allocated to
3 leverage the greatest amount of partnership funding possible. After
4 selecting projects comprising the portfolio, the board shall submit
5 them (~~as part of its budget request to the office of financial~~
6 ~~management and the legislature~~) to the secretary of the department of
7 transportation and the transportation commission. The board shall
8 ensure that projects submitted as part of the portfolio are not more
9 appropriately funded with other federal, state, or local government
10 funding mechanisms or programs. The board shall reject those projects
11 that appear to improve overall general mobility with limited
12 enhancement for freight mobility.

13 (~~The board shall provide periodic progress reports on its~~
14 ~~activities to the office of financial management and the senate and~~
15 ~~house transportation committees.~~)

16 (2) The board may:

17 (a) Accept from any state or federal agency, loans or grants for
18 the financing of any transportation project and enter into agreements
19 with any such agency concerning the loans or grants;

20 (b) Provide technical assistance to project applicants;

21 (c) Accept any gifts, grants, or loans of funds, property, or
22 financial, or other aid in any form from any other source on any terms
23 and conditions which are not in conflict with this chapter;

24 (d) Adopt rules under chapter 34.05 RCW as necessary to carry out
25 the purposes of this chapter; and

26 (e) Do all things necessary or convenient to carry out the powers
27 expressly granted or implied under this chapter.

28 (3) The board shall designate strategic freight corridors within
29 the state. The board shall update the list of designated strategic
30 corridors not less than every two years, and shall establish a method
31 of collecting and verifying data, including information on city and
32 county-owned roadways.

33 (4) The board shall utilize threshold project eligibility criteria
34 that, at a minimum, includes the following:

35 (a) The project must be on a strategic freight corridor;

36 (b) The project must meet one of the following conditions:

37 (i) It is primarily aimed at reducing identified barriers to

1 freight movement with only incidental benefits to general or personal
2 mobility; or

3 (ii) It is primarily aimed at increasing capacity for the movement
4 of freight with only incidental benefits to general or personal
5 mobility; or

6 (iii) It is primarily aimed at mitigating the impact on communities
7 of increasing freight movement, including roadway/railway conflicts;
8 and

9 (c) The project must have a total public benefit/total public cost
10 ratio of equal to or greater than one.

11 (5) From June 11, 1998, through the biennium ending June 30, 2001,
12 the board shall use the multicriteria analysis and scoring framework
13 for evaluating and ranking eligible freight mobility and freight
14 mitigation projects developed by the freight mobility project
15 prioritization committee and contained in the January 16, 1998, report
16 entitled "Project Eligibility, Priority and Selection Process for a
17 Strategic Freight Investment Program." The prioritization process
18 shall measure the degree to which projects address important program
19 objectives and shall generate a project score that reflects a project's
20 priority compared to other projects. The board shall assign scoring
21 points to each criterion that indicate the relative importance of the
22 criterion in the overall determination of project priority. After June
23 30, 2001, the board may supplement and refine the initial project
24 priority criteria and scoring framework developed by the freight
25 mobility project prioritization committee as expertise and experience
26 is gained in administering the freight mobility program.

27 (6) It is the intent of the legislature that each freight mobility
28 project contained in the project portfolio submitted by the board
29 utilize the greatest amount of nonstate funding possible. The board
30 shall adopt rules that give preference to projects that contain the
31 greatest levels of financial participation from nonprogram fund
32 sources. The board shall consider twenty percent as the minimum
33 partnership contribution, but shall also ensure that there are
34 provisions allowing exceptions for projects that are located in areas
35 where minimal local funding capacity exists or where the magnitude of
36 the project makes the adopted partnership contribution financially
37 unfeasible.

1 (7) The board shall develop and recommend policies that address
2 operational improvements that primarily benefit and enhance freight
3 movement, including, but not limited to, policies that reduce
4 congestion in truck lanes at border crossings and weigh stations and
5 provide for access to ports during nonpeak hours.

6 **Sec. 6.** RCW 47.06A.040 and 1999 c 216 s 3 are each amended to read
7 as follows:

8 (~~The board, at its option, may either appoint an executive~~
9 ~~director, who shall serve at its pleasure and whose salary shall be set~~
10 ~~by the board or make provisions ensuring the responsibilities of the~~
11 ~~executive director are carried out by an existing transportation-~~
12 ~~related state agency or by private contract.)) Staff support to the
13 board shall be provided by the department of transportation, the
14 transportation improvement board, and the county road administration
15 board, or their successor agencies.~~

16 NEW SECTION. **Sec. 7.** Sections 1 through 4 of this act constitute
17 a new chapter in Title 81 RCW.

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